

Applicant respectfully thanks Examiner for the Interview of September 21, 2004. In this Interview, Applicant and Examiner discussed the current rejections. As a result of the Interview, Applicant agreed to amend the independent claims to clarify the nature of affixing the non-volatile random-access storage inside the chassis, i.e., that the non-volatile random-access storage is substantially permanently affixed inside the chassis and is not readily removable from the chassis. The Examiner stated that this would overcome the art of record.

Information Disclosure Statement

The Office Action states: "The IDS filed 4/15/04 & 4/11/02 are place [sic] in the file. However, no copies of the documents listed thereon are associated with the file, hence none of these documents have been considered."

Examiner faxed these Information Disclosure Statements to Applicant on September 20, 2004 at Applicant's request. During the Interview of September 21, 2004 with Examiner, Applicant submitted that these Information Disclosure Statements are for Application No. 10/044,852 with first named inventor "T. Enkohira". The instant Application has Application No. 09/134,799 whose inventor is Bruce Mihura. Applicant respectfully submits that Information Disclosure Statements which were "filed 4/15/04 & 4/11/02" have been mistakenly associated with the instant Application.

Non-identifiable References

Examiner relies upon Jo, Wyler, and/or "DorEl" in the Office Action. However, Applicant can find no reference to any one of Jo, Wyler, and "DorEl" in any Information Disclosure Statement or in any Notice of Cited References.

§112 Rejections

Claim 58 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicant's Specification page 22, lines 11-13 include: "Rotating media drives and cooling fans should be selected for their quietness as well as their large capacity, and the entire chassis acoustically shielded as well as practicable" (*emphasis added*).

Applicant respectfully requests removal of the §112 rejection of claim 58.

Claims 45-53, 55-59, and 63-65 were rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which Applicant regards as his invention. This rejection is respectfully traversed.

The Office Action states: “Evidence that claim 45 fail(s) to set forth the subject matter which applicant(s) regard as their invention can be found in the reply filed 4/20/01, paper No. 10. In that paper, applicant has stated that the ‘display substantially only status information’, and this statement indicates that the invention is different from what is defined in the claim(s) because such a limitation is not found in claim 45 but in claim 54.”

Applicant respectfully submits that arguments including “display substantially only status information” in Paper No. 10 were directed towards claims 1, 37, 38, and 40.

Applicant respectfully requests removal of the §112 rejections of claims 45-53, 55-59, and 63-65.

§102 Rejections

The Examiner states in the Office Action: “Claims 45-57, 59 and 63-65 are rejected under 35 U.S.C. 102(a/b) as being anticipated by Kenwood model 1050MD, or Marantz model DR-700 under 102 (a) considerations, or anticipated by MDS-JAES minidisc recorder under 102 (b) considerations.” This rejection is respectfully traversed.

Each of the Kenwood model 1050MD, Marantz model DR-700, and MDS-JAES is either a minidisk player/recorder or a compact disc player/writer, and each use storage mediums for audio information storage and retrieval which are readily removable from each chassis of the Kenwood model 1050MD, Marantz model DR-700, and MDS-JAES.

In contrast, Applicant’s invention as currently recited in pertinent part by claim 45 includes “. . .a non-volatile random-access storage system comprised in the chassis for

storing audio information, wherein the non-volatile random-access storage system is rewritable, wherein the non-volatile random-access storage system is operable to receive and store input audio information from at least an audio input of the one or more audio inputs, wherein the non-volatile random-access storage system is operable to provide output audio information to the at least one audio output, wherein the non-volatile random-access storage system is substantially permanently affixed inside the chassis and is not readily removable from the chassis. . . (emphasis added)” Kenwood model 1050MD, Marantz model DR-700, and/or MDS-JAES nowhere teach or suggest this feature. Accordingly, Applicant respectfully submits that claim 45 and dependents thereon are allowable.

Claim 45 was rejected under 35 U.S.C. 102(b) as being unpatentable over either Capps et al. (U.S. Patent No. 5,204,969) (hereinafter “Capps”), Rossmere et al. (U.S. Patent No. 5,508,940) (hereinafter “Rossmere”), or Taguchi et al. (U.S. Patent No. 5,563,866) (hereinafter “Taguchi”). This rejection is respectfully traversed.

As Examiner is certainly aware “An ‘anticipating’ reference must describe all of the elements and limitations of the claim in a single reference, and enable one of skill in the field of the invention to make and use the claimed invention. *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378-79 (Fed. Cir. 2001); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989).” *In re Merck & Co., Inc. v. Teva Pharm. USA, Inc.*, 347 F.3d 1367, 1372 (Fed. Cir. 2003) (*emphasis added*).

Applicant respectfully submits that Capps, Rossmere, or Taguchi nowhere teach or suggest “wherein the audio entertainment system has an appearance which approximates standard audio equipment” as recited in claim 45.

Rather, Capps teaches and discloses “A hardware and software system and method for a personal computer such as the Macintosh. . .” (Capps Abstract). Thus, Applicant respectfully submits that claim 45 is patentably distinguished over Capps. Accordingly, Applicant respectfully submits that claim 45 and those dependent therefrom are allowable.

Rather, Rossmere teaches and discloses “The system of the present invention as illustrated in FIG. 1 further includes a computer 25, which, in the presently preferred embodiment, comprises a personal computer (‘PC’). . .” (Rossmere col. 5, lines 11-13) (*emphasis added*). Thus, Applicant respectfully submits that claim 45 is patentably distinguished over Rossmere. Accordingly, Applicant respectfully submits that claim 45 and those dependent therefrom are allowable.

Rather, Taguchi teaches and discloses a system which includes a plurality of audio components “FIG. 6. . .CD player 13, a PCM player 14, and a DAT player 12 are used. . .” (Taguchi col. 3, lines 17-19). Thus, Applicant respectfully submits that claim 45 is patentably distinguished over Taguchi. Accordingly, Applicant respectfully submits that claim 45 and those dependent therefrom are allowable.

As shown above, Applicant respectfully submits that claim 45 is patentably distinguished over all Capps, Rossmere, and Taguchi, taken all singly. Applicant respectfully also submits that claim 45 is patentably distinguished over all Capps, Rossmere, or Taguchi, taken all in combination.

Applicant respectfully requests removal of the §102 rejections.

§103 Rejections

Claims 1, 37, 38, 39, and 40 were rejected under 35 U.S.C. 103(a) as being obvious over either Capps, Rossmere, or Taguchi, each further considered with Ishii et al. (U.S. Patent No. 5,396,340) (hereinafter “Ishii”) or “DorEl”. Applicant respectfully traverses this rejection.

As noted above, Applicant can find no reference to “DorEl” in any Information Disclosure Statement or in any Notice of Cited References.

Applicant respectfully submits that there is no teaching, suggestion, or motivation to combine Capps, Rossmere, Taguchi, and Ishii in either of the references or in the prior art. As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern*

California Edison Co., an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. Furthermore, Applicant respectfully submits that it is nonobvious to combine Capps, Rossmere, Taguchi, and Ishii.

While the cited art in Capps, Rossmere, and/or Taguchi does include a “display,” these references describe monitors used with personal computer system displays. A computer display is necessarily configured to display more than substantially only status information and information regarding stored audio information. Otherwise it would be very difficult, if not impossible, to interact with the computer systems disclosed in the cited art. For example, without various icons or text menus corresponding to software programs stored on a computer system, it would be difficult for the user to even access the programs necessary to play or edit audio files as disclosed in Capps, Rossmere, and/or Taguchi.

In contrast, Applicant’s invention currently recited in pertinent part by claim 1 includes “. . . a user interface system for controlling the audio entertainment system, wherein the user interface system includes a display positioned on the front side of the chassis, wherein the display is operable to display substantially only status information of the system and information regarding the audio information stored in the storage system. . . . (*emphasis added*)” Capps, Rossmere, and/or Taguchi nowhere teach or suggest these features.

Furthermore, typical computer systems are operable to display much more than “substantially only status information. . . and information regarding the audio information stored in the storage system” because typical computer systems have much more functionality than a stereo system component designed for storing, accessing, and playing audio information. Applicant can find no reason why these systems in the cited art are any different, nor does the Office Action provide such a reason.

Moreover, the Office Action claims that it would be obvious to modify the computer systems taught in Capps, Rossmere, and Taguchi to have displays similar to the display shown in Ishii. Ishii is an optical disc reproducing apparatus, not a computer system. Applicant respectfully submits that the computer systems of Capps, Rossmere, and Taguchi are operable to display much more information than substantially only status information of the system and information regarding the audio information.

Applicant respectfully submits that even if Capps, Rossmere, and Taguchi could be modified so that the displays were operable to display substantially only status information and information regarding audio information, this would change the principle of operation of these systems. As Examiner is certainly aware the MPEP §2143.01 states “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . .” (*emphasis added*).

Applicant respectfully submits that Ishii is an optical disc reproducing apparatus, not a computer system, and Ishii teaches that compact discs used are readily removable.

In contrast, Applicant’s inventions as recited in pertinent part by claim 1 includes “. . . a non-removable, non-volatile random-access storage system comprised in the chassis for storing audio information, wherein the non-volatile random-access storage system is rewritable, wherein the non-volatile random-access storage system is operable to receive and store the input audio information from the at least one audio input, wherein the non-volatile random-access storage system is operable to provide output audio information to the at least one audio output, wherein the non-volatile random-access storage system is substantially permanently affixed inside the chassis and is not readily removable from the chassis. . .(*emphasis added*)” Ishii nowhere teaches or suggests these features.

Furthermore, even if Ishii were modified such that the media is not readily removable, this modification would change Ishii’s the principle of operation. As Examiner is certainly aware, “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). . .” (*emphasis added*) as stated in the MPEP §2143.01.

Thus, combining Capps, Rossmere, Taguchi, and Ishii would change the principle of operation of at least one of Capps, Rossmere, Taguchi, and Ishii and would not render the claim 1, and those dependent therefrom, *prima facie* obvious.

For at least one or more reasons presented, Applicant respectfully submits that claim 1 is patentable over Capps, Rossmere, Taguchi, and Ishii. Accordingly, Applicant respectfully submits that claim 1 and those dependent therefrom are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectfully requests removal of the §103 rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5399-00100/JCH.

Also enclosed herewith are the following items:

- ☒ Request for Continued Examination
- ☒ Return Receipt Postcard

Respectfully submitted,



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